



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH : NAGPUR.**

**WRIT PETITION NO. 6868 of 2024**

State of Maharashtra, through its Principal Secretary,  
Water Resource Department, Mantralaya,  
Mumbai and others. **.. Petitioners**  
(Orig. Respondents)

**versus**

Vandana w/o Dilip Shende  
@ Vandana Shankarrao Raut,  
R/o. Akola. **..Respondent**  
(Orig.Applicant)

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Ms. Tajwar Khan, Assistant Government Pleader for petitioners/State.  
Mr. R. M. Fating, Advocate for respondent-sole.  
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**CORAM :- ANIL S. KILOR and RAJNISH R. VYAS, JJ.**

**DATE :- 18<sup>th</sup> SEPTEMBER, 2025**

**P C.**

Heard the learned counsel appearing for the parties.

2. The petitioners/State has approached this Court by way of present writ petition raising a challenge to the order dated 13.03.2024 passed by the Maharashtra Administrative Tribunal, Nagpur (for short, the "Tribunal") directing the State to grant deemed date of absorption to the respondent as 'Civil Engineering Assistant' with effect from 27.09.1994.

3. The facts of the case are as under:

The respondent herein approached the Maharashtra Administrative Tribunal by filing Original Application No.526 of 2023 under Section 19 of the Maharashtra Administrative Tribunal Act, 1985 with the following prayers:

*“(i) Call for record from the Respondents in regard to grant of deemed date of absorption on the of Civil Engineering Assistant w. e. f. 27.09.1994.*

*(ii) Hold and declare that the Applicant is entitled for absorption on the of Civil Engineering Assistant w. e. f. 27.09.1994, as per provision contemplated in G. R. dated 10.12.1993 and 28.10.1994, in the interest of justice.*

*(iii) Quash and set aside the Government Corrigendum order dated 25.10.2005 issued by the Respondent no.1 by which the services of the Applicant has been regularized on the post of 'Clerk(Karkoon)' instead of on the post of 'Civil Engineering Assistant'.*

*(iv) Direct the Respondents to grant deemed date of absorption on the post of 'Civil Engineering Assistant' w.e.f. 27.09.1994 and further direct to revise all consequential service benefits along with interest accrued thereon.*

*(v) Grant any other relief which this Hon'ble Tribunal deems fit just and proper in the facts and circumstances of the case."*

4. It is the case of the respondent that she completed requisite two years Diploma for the post of 'Civil Engineering Assistant' in 1987 and she was eligible for absorption on the post of 'Civil Engineering Assistant' in view of the Government Resolutions dated 31.01.1989 and 10.12.1993. Despite the same, she was confirmed on the post of 'Clerk' with effect from 27.09.1994 vide order dated 25.10.2005. Thus, it is the grievance of the respondent that though she was eligible to be absorbed on the post of 'Civil Engineering Assistant', she was wrongly absorbed on the post of 'Clerk'. It is further contention of the respondent that even the deemed date of absorption was not considered despite repeated requests made by the respondent.

5. The prayers of the respondent were opposed by the petitioners/State by filing reply to the Original Application. One of the contentions of the petitioners was that there is a delay in filing the Original Application. It is the case of the petitioners that as the respondent was working as skilled labourer upto 25.10.2005, she was not eligible for absorption on the post of 'Civil Engineering Assistant'. It was further submitted that she was absorbed vide order dated 28.01.2015.

6. The learned Tribunal vide impugned order dated 13.03.2024 allowed the Original Application granting the deemed date of absorption as 'Civil Engineering Assistant' with effect from 27.09.1994 with all consequential benefits. Hence this petition by the State.

7. Ms Tajwar Khan, learned Assistant Government Pleader, appearing for the petitioners/State argued that though the Original Application was opposed on the ground of limitation, the said ground was not considered by the Tribunal, and it has only observed that the cause of action set up by the respondent is a continuous one. She further states that the Tribunal has not considered any of the grounds raised in the reply to oppose the original application.

According to Ms Khan, the order passed by the Tribunal is cryptic and without any reason. Accordingly, she prays for quashing and setting aside the impugned order.

8. On the other hand, Mr. R. M. Fating, learned counsel appearing for the respondent opposed the petition and submitted that the Tribunal has rightly held that it is a continuous cause of action and therefore, the Original Application was well within the limitation. He further argues that the learned Tribunal after considering the Government Resolutions dated 31.01.1989, 10.12.1993 and 28.10.1994 reached to the conclusion that deemed date of absorption shall be with effect from 27.09.1994 as 'Civil Engineering Assistant.' He therefore submitted that the learned Tribunal has not committed any error in allowing the Original Application filed by the respondent. He thus prays for dismissal of the writ petition.

9. Considering the rival contentions of the parties and perusal of the record, it is evident that the principal prayer of the respondent was for grant of the deemed date of absorption with effect from 27.09.1994 on the post of 'Civil Engineering Assistant.'

10. Having considered the prayer, if the observations made by the learned Tribunal are considered, it is evident that except for a finding that the

respondent is eligible to be absorbed on the post of 'Civil Engineering Assistant' with effect from 27.09.1994, there are no other reasons recorded by the Tribunal particularly. The Tribunal has not dealt with any of the grounds raised by the petitioners in the reply. The record shows that the prayer to grant deemed date was not considered and appears to have been rejected in 2018. The Tribunal has not considered these documents before recording a finding that the cause of action is a continuous one.

11. In the circumstances, as we find substance in the submissions made by the learned Assistant Government Pleader appearing for the petitioners/State that the order passed by the Tribunal is cryptic and without reasons, we are of the opinion that the matter needs to be remanded to the Tribunal for re-consideration.

12. Accordingly, we allow the writ petition partly. The order passed by the Maharashtra Administrative Tribunal, Nagpur, dated 13.03.2024 in Original Application No. 526 of 2023 is hereby quashed and set aside. The matter is referred back to the Tribunal to decide the same afresh after hearing the parties and considering the observations made hereinabove.

13. The writ petition is disposed of in aforesaid terms. No order as to costs.

( RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

*Andurkar.*